Crl.Misc.No.53319-M of 2006

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Des Raj Vs. State of Punjab

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Present : Mr.D.S. Rajput, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab.

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Prayer in this petition is, for grant of regular bail in case FIR No.277 dated 20.7.2006, registered under Sections 22,61,85 of the N.D.P.S. Act at Police Station Sadar, Fazilka.

Admittedly certain medicines were recovered from the petitioner. The quantity recovered is non-commercial and, therefore, the rigours of Section 37 of the N.D.P.S. Act, do not apply to the present case.

Counsel for the petitioner contends that the petitioner is 70 years old, resides in a village and had purchased medicines for sale, in the village, as no chemist shop exists in the village. It is contended that the petitioner does not have any previous criminal record and, therefore, should be released on bail.

Counsel for the State of Punjab, states that the petitioner purchased medicines, which could be used as narcotics and as he is neither a chemist nor holds a licence to sell or dispense medicines, the present petition be dismissed.

I have heard learned counsel for the parties and perused the paper book.

The petitioner has been behind bars since 20.7.2006. Though investigation has concluded, the prosecution, for reasons best known to

them have not presented the challan. The quantity of medicines recovered is non-commercial. The petitioner is an old man aged 70. He does not have any previous criminal record.

Counsel for the State of Punjab has not expressed any apprehension that if released on bail, the petitioner would subvert the trial and/or try to win over the witnesses.

Bail to the satisfaction of Special Court/Court of competent jurisdiction at Fazilka.

Nothing stated herein shall be construed to be an expression of opinion on the merits of the case.

17.11.2006 (RAJIVE BHALLA)
GS JUDGE